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09/387,616	08/31/1999	DAN KIKINIS	P3233DI	2803
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CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			KNOWLIN, THJUAN P	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/387,616

Filing Date: August 31, 1999

Appellant(s): KIKINIS ET AL.

Donald R. Boys
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 23, 2005 appealing from the Office action mailed July 28, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Petrunka et al (US 6,122,364).
2. In regards to claims 1, 8, 15, 20, 22, and 23, Petrunka discloses a method and system for establishing a remote agent station (See Fig. 1 and agent terminal 1310) from a call center (See Fig. 1 and Network Call Center 1100), comprising steps of: establishing a data link (See Fig. 1 and data network 1500) between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center (See Fig. 1 and col. 3 lines 15-21); determining to switch a selected one of the incoming calls to an agent at the remote agent station; retrieving data associated with the selected incoming call (See col. 5 lines 1-6) from a database (See Fig. 1 and ACD server 1120); forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link (See col. 5 lines 44-50); placing a call from the call center to a telephone at the remote agent station; and switching the selected incoming call to the remote agent station (See col. 5 lines 51-61).
3. In regards to claims 2 and 9, Petrunka discloses a method, wherein the CTI processor at the call center and the computer platform at the remote agent station each have a modem connected by a telephony line to a telephony network (PSTN 1400), and the data link is established by the computer platform dialing up the CTI processor through the telephony network (See col. 3 lines 15-29).

4. In regards to claims 3, 10, 16, and 24, Petrunka discloses the method and system, wherein the telephony network is a publicly-switched telephony network (See Fig. 1 and PSTN 1400).
5. In regards to claims 4, 11, and 25, Petrunka discloses the method, wherein the CTI processor at the call center is adapted as an Internet server, and the data link is established by the computer platform at the remote agent station dialing up an Internet service provider and establishing an Internet connection to the CTI processor (See col. 3 lines 8-14).
6. In regards to claims 5, 6, 12, 13, 17, and 18, Petrunka discloses the method, wherein the data forwarded is displayed as a screen pop on a video display connected to the computer platform at the remote agent station (See col. 5 lines 44-50).
7. In regards to claims 7, 14, and 19, Petrunka discloses the method, wherein first control routines executing at the CTI processor and second control routines executing at the computer platform at the remote agent station are adapted to cooperate over the data link to provide call center services to the agent at the remote agent station (See col. 5 lines 44-61).
8. In regards to claim 21, Petrunka discloses the system, wherein the data connection is established prior to a first call being switched to the remote agent station, and is maintained open thereafter as further calls are switched to the remote agent station (See col. 5 lines 23-31 and col. 5 lines 44-50).

(10) Response to Argument

9. The main concern between the prior art of record, and the present invention, is the issue of the order in which the limitations of the base claims are recited. Appellant argues that Petrunka et al clearly do not anticipate all of applicant's limitations in the base claims, and do not teach all of the method steps of applicant's claims, in the order in which they are recited in the claims.

10. In regards to the above issue at hand, Petrunka et al clearly disclose the limitations in the base claims, such as: establishing a data link (See Fig. 1, data network 1500, and Fig. 3, col. 2-3 lines 62-3, i.e., agent logon to establish link via Internet) between a computer platform (See Fig. 1 and agent terminal 1310) at the remote agent station and a CTI processor connected to a telephony switch at the call center (See Fig. 1 and col. 3 lines 15-21); determining to switch a selected one of the incoming calls to an agent at the remote agent station (i.e., steps 4020 in Fig. 4); retrieving data associated with the selected incoming call (See col. 5 lines 1-6; steps 4040-4060) from a database (See Fig. 1 and ACD server 1120, i.e., identifying the call as requiring ACD server 1120); forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link (See col. 5 lines 44-50); at the same time placing a call from the call center to a telephone at the remote agent station (See col. 5 lines 32-43); and switching the selected incoming call to the remote agent station (See col. 5 lines 51-61).

11. Appellant's remarks that Petrunka et al do not teach all of the method steps of Appellant's claims, in the order in which they are recited in the claims, are not

persuasive. Petrunka et al teaches that a data link is established, i.e. the agent log on using the Internet – Fig. 3, Petrunka et al further in Fig. 4 teaches the processing flow of the incoming call in the same order as claimed by Appellant: step 4020 determines switching a selected one of the incoming call (i.e. determines call requiring services of ACD server to find agent), steps 4040-4060 reads on retrieve data from database, steps 4070 and 4080 for forwarding data and placing a call to the agent terminal at the same time, the call is switched thereafter (See col. 5 lines 51-61). As can be seen from the flow charts in Figs. 3 and 4 along with the description in the specification, it is clear that the method steps as taught by Petrunka et al for establishing a remote agent is in the same order as claimed. Furthermore, the Examiner believes that a specific order, in which the limitations are to be carried out, is not clearly pointed out or recited in the claims. As written, the claims merely list limitations that are to be carried out, without specifying any particular order for performing the limitations. Therefore, the limitations can be carried out in any order, as long as they are executed. Therefore, as shown above, Petrunka et al clearly disclose the limitations of the base claims, and the execution of these limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thjuan P. Knowlin



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